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RECEIVED

MAY 31 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

May 31, 2002

Marlene H. Dortch
Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: CC Docket 94-102, ex parte communication

Dear Ms. Dortch:

At the request of the Policy Division of the Wireless Telecommunications Bureau, the National Emergency Number Association ("NENA"), together with the Association of Public Safety Communications Officials International ("APCO") and the National Association of State Nine One One Administrators ("NASNA"), submits this letter and its attachments to illustrate the dangerous disruptions to 9-1-1 emergency telephone services which can be caused by harassing, abusive or prank calls from non-service-initialized ("NSI") wireless handsets. Beyond the immediate risks of true emergency calls being blocked or delayed, these fraudulent communications frequently divert and consume inordinate amounts of public safety and other local government resources in futile responses to false alarms.

Because NSI phones formerly assigned telephone numbers sometimes can be shut down remotely, public safety authorities often have asked the previously serving wireless carriers to disable handsets originating harassing calls. Typically, the carrier demurs, on the ground that FCC rules require all 9-1-1 calls be forwarded, even from NSI phones.

NENA and its allied public safety organizations, APCO and NASNA, do not believe the call-forwarding requirement of Section 20.18(b) was meant to enable harassing, abusive or prank calls -- sometimes repeated for days on end -- to weaken or disable 9-1-1 centers, or to divert responders from true emergencies. In prior ex parte communications, we have asked the Commission to issue a clarification that would reassure wireless carriers on this point and allow

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them to shut down the handsets being used to harass or mislead. We are not requesting the FCC to interfere with the exercise of state or local police power. We seek only a clarification permitting wireless carriers to act consistently with state or local law.

Below are examples of misuse of NSI phones to call 9-1-1. In all cases, call records and related tapes or transcripts are available if the Commission wishes to examine such information.

Grand Prairie, Texas

Beginning April 22, 2002 -- the day subscribed service was terminated for non-payment -- and continuing to May 5th, an NSI phone was used to place at least 24 calls to the Public Safety Answering Point ("PSAP") in Grand Prairie, a suburb of Fort Worth in Tarrant County, Texas. The calls included seven different threats of bombs placed at Grand Prairie High School and resulted in evacuation of the school three times. Time lost from the school responses alone ranged from 90 minutes for students and teachers to 10, 20 and 25 hours for school administrators, police officers and fire investigators, respectively.

Other calls included suicide threats or prank conversations laced with obscenities. Total time consumed in call handling and response over the two-week period was estimated at 115 hours, the equivalent of nearly five days. Exhibit A provides additional detail.

Minneapolis-St. Paul, Minnesota

In the space of 17 days in April, 2002 a PSAP in this metropolitan area received 658 calls, scattered in bunches or bursts throughout each day. The calls were made from a pre-paid wireless phone whose stock of minutes had expired. The callback number had been assigned to a new customer of the wireless carrier.

A criminal investigation determined that the original subscriber had used a false Social Security number and address. When the wireless carrier was asked to shut down the phone, it refused, citing FCC call-forwarding requirements. After an estimated 150 hours of law enforcement time (not counting call taker or telephone company time) had been spent in a fruitless effort to find the caller, investigators suggested that the phone be restored to paid service. The perpetrator then used the instrument to call friends, which led to his arrest.

Belleville, Illinois

More than 350 false and harassing calls were made March 19-23, 2002, from a wireless phone that had been disconnected for non-payment. The caller propositioned the PSAP call takers for sex, and claimed to have abused or killed children. The caller has yet to be found.

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- 3 -

Greensboro, North Carolina

From December 1, 2001 to January 10, 2002, 3606 calls were made within the city limits, 164 over the first weekend in December, 372 in the first 10 days of that month. Over the 40-day span, the average was about 90 calls per day. The carrier said it was unable to shut down the phone. The original subscriber had paid in advance for 30 days, but gave a false name and address. The harassing calls began when service was discontinued for non-payment. On January 10th, the calls ceased.

To repeat: NENA, APCO and NASNA are asking that the FCC clarify, by declaration or interpretation of the existing rule at Section 20.18, that the requirement to forward all calls to 9-1-1 independently of the subscription status of the phone was never intended to, and does not preclude, (1) the shutting off of access to 9-1-1, subject to state and local law and technical feasibility, (2) when an NSI handset or other device incapable of receiving PSAP callback is used in the harassing or abusive fashion illustrated by the descriptions above.

Sincerely,

A handwritten signature in dark ink, appearing to read "James R. Hobson". The signature is fluid and cursive, with a large initial "J" and "H".

James R. Hobson
Counsel for NENA

cc: All Commissioners' offices; Tom Sugrue, Barry Ohlson, WTB



THE STATE OF TEXAS

COUNTY OF DALLAS

A Notary Public in and for said County, State of Texas, on this day personally appeared

LIZA M HARTMAN, who, after being by me duly sworn, on oath deposes and says:

The following information has been researched and provided by Liza M Hartman C052, Sr. Telecommunicator, Communications Division, Grand Prairie Police Department, 801 Conover Dr. Grand Prairie, TX 75051. The information is true and correct. The information is regarding 911 calls initiated from non-initialized cellular telephones. The calls consisted of several Bomb Threats, Suicide threats, and a minor accident, along with numerous profane calls, which impeded the flow of 911 Emergency Communications Staff, Emergency services, and Center. The calls also expended the services of Grand Prairie High School Administrators, Teachers, Students, Police Officers, Fire Investigators, and Fire Administration. I Liza Marie Hartman C052 do state that the information obtained in the form of call sheets, audio tapes, and results of 911 Emergency Requests from Sprint PCS Corporate Security are factual. The information from Sprint PCS shows the cellular telephone (405) 921-1430 was utilized to call 911 a documented 24 times from April 22, 2002 through May 05, 2002. I affirm that all information contained is true and correct.

I swear that the above statements are true and correct to the best of my knowledge and belief.

Liza M Hartman

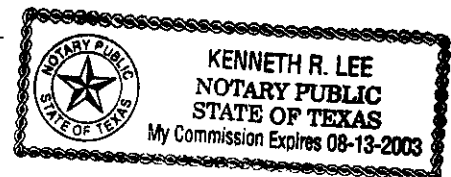
AFFIANT

SUBSCRIBED AND SWORN TO ME THIS 16TH DAY OF MAY
2002

[Signature]

NOTARY PUBLIC in and for the State of Texas

Commission expires the 3TH day of AUGUST, 2003



TIME SPENT BY GRAND PAIRIE EMERGENCY COMMUNICATIONS CENTER
LOCATED AT 801 CONOVER DRIVE, GRAND PRAIRIE, TX 75051.THESE 911
CALLS FROM ORIGINATED FROM THE SAME SPRINT PCS NON-INITIALIZED
CELLULAR PHONE. THIS INFORMATION ATTTAINED FROM THE RESEARCH
AND RECORDS OF SPRINT PCS WIRELESS CORPORATE SECURITY.

042202 **BOMB THREAT** 101 HIGH SCHOOL DRIVE
GRAND PRAIRIE HIGH SCHOOL, GRAND PRAIRIE, TX
TIME UTILIZED BY EMERGENCY SERVICES: **1 HOUR 34 MINS**

042302 **BOMB THREAT** 101 HIGH SCHOOL DRIVE
GRAND PRAIRIE HIGH SCHOOL, GRAND PRAIRIE, TX
TIME UTILIZED BY EMERGENCY SERVICES: **1 HOUR,32 MINS**

042302 **SECOND BOMB THREAT** 101 HIGH SCHOOL DRIVE
GRAND PRAIRIE HIGH SCHOOL, GRAND PRAIRIE, TX
TIME UTILIZED BY EMERGENCY SERVICES: **4HRS, 4 MINS**

042402 **BOMB THREAT** CALL AT 101 HIGH SCHOOL DRIVE
GRAND PRAIRIE HIGH SCHOOL, GRAND PRAIRIE, TX
TIME UTILIZED BY EMERGENCY SERVICES: **1 HR,21 MINS**

042402 **SUICIDE THREAT** CALL AT 1301 E CORAL WAY.
GRAND PRAIRIE, TX
TIME UTILIZED BY EMERGENCY SERVICES: **12 MINS**

042502 **BOMB THREAT** CALL AT 101 HIGH SCHOOL DRIVE
GRAND PRAIRIE HIGH SCHOOL, GRAND PRAIRIE, TX
UTILIZED BY EMERGENCY SERVICES: **2 HRS,**

042502 **SUICIDE THREAT** AT 1301 E CORAL WAY,
GRAND PRAIRIE, TX
TIME UTILIZED BY EMERGENCY SERVICES **9 MINS.**

042602 **BOMB THREAT** CALL AT 101 HIGH SCHOOL DRIVE
GRAND PRAIRIE HIGH SCHOOL, GRAND PRAIRIE, TX
TIME UTILIZED BY EMERGENCY SERVICES **3 HRS 35 MINS**

TIME EXPENDITURE FOR HANDLING SEVERAL 911 EMERGENCY INITIATED
CALLS BY A NON-INITIALIZED CELLULAR PHONE 050502.

LOG #1 FIRST CALL ON TAPE 050502. NO CALL ENTERED.
TIME SPENT QUESTIONING CALLER BY EMERGENCY SERVICES: 2 MINUTES

LOG #2 SECOND CALL ON TAPE 050502. NO CALL FOR SERVICE WAS ENTERED
TIME SPENT QUESTIONING CALLER BY EMERGENCY SERVICES 2 MINUTES

LOG #3 THIRD CALL ON TAPE 050502. NO CALL ENTERED.
TIME SPENT QUESTIONING CALLER BY EMERGENCY SERVICES 1 MINUTE

LOG #4 FOURTH CALL ON TAPE 050502. TRANSFERRED TO GRAND PRAIRIE BY
ARLINGTON 911 CENTER AT 22:28. POLICE CALL #446 A NON- INJURY ACCIDENT.
OFFICERS IN THE AREA LOOKING FOR A DIFFERENT CALL VERIFIED THERE WAS NOT AN
ACCIDENT AT THE LOCATION. (THIS CALL WAS DUPLICATED TO THE PRIOR STRANDED
CALL THE OFFICERS WERE ON) THE ON DUTY SUPERVISOR MILLER ADVISED THIS WAS
NOT FACTUAL INFORMATION AND THERE WAS NO ACCIDENT.

ESTIMATED TIME BY ARLINGTON 911 CENTER PRIOR TO TRANSFER & THE FOLLOWING
QUESTIONING REGARDING CALL FOR SERVICE BY GRAND PRAIRIE. 4 MINS

LOG #5 FIFTH CALL ON TAPE 050502. NO CALL ENTERED.
TOTAL TIME SPENT QUESTIONING CALLER BY EMERGENCY SERVICES 1 MINUTE

LOG #6 SIXTH CALL ON TAPE 050502. BOMB THREAT AT 801 CONOVER DRIVE, GRAND
PRAIRIE POLICE FACILITY, WHICH INCLUDES 911 EMERGENCY COMMUNICATIONS, JAIL
DIVISION AND SEVERAL OTHER SEPERATE DIVISIONS ALL IN ONE BUILDING.
POLICE INCIDENT # 021250000450, FIRE INCIDENT #GF0200004568

TOTAL TIME QUESTIONING, DISPATCHING, WITH EMERGENCY SERVICES SEARCHING
THE PUBLIC AREA, AND A SWEEP OF THE SURROUNDING PARKINGLOTS.
1HR 20MINS

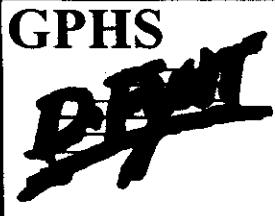
LOG #7 SEVENTH CALL ON TAPE 050502. NO CALL ENTERED.
TOTAL TIME SPENT QUESTIONING THE CALLER BY EMERGENCY SERVICES 1 MINUTE

LOG #8 EIGHTH CALL ON TAPE 050502. NO CALL ENTERED FOR SERVICE.
TOTAL TIME SPENT QUESTING THE CALLER BY EMERGENCY SERVICES 41 SECONDS

TOTAL TIME FOR 911 EMERGENCY CENTER	15 HOURS 58 MINUTES
TOTAL TIME SPENT BY SUPERVISOR HARTMAN	34 HOURS
TOTAL TIME SPENT BY SUPERVISOR ADLER	2 HOURS
TOTAL TIME SPENT BY FIRE OFFICIALS	30 HOURS
TOTAL TIME SPENT BY STUDENTS	1 HOUR 30 MINS
TOTAL TIME SPENT BY SCHOOL ADMINISTRATORS	10 HOURS
TOTAL TIME SPENT BY TEACHERS	1 HOUR 30 MINS
TOTAL TIME SPENT BY POLICE OFFICERS	20 HOURS

TOTAL TIME SPENT: 114 HOURS 58 MINUTES

**THIS TIME DOES NOT REFLECT THE ADDITIONAL TIME SPENT BY ASTIN BUCHANAN
WITH TARRANT COUNTY 911 TO ASSIST GRAND PRAIRIE WITH THE PROCEDURE AND
CALLS.



GRAND PRAIRIE HIGH SCHOOL
101 HIGH SCHOOL DRIVE GRAND PRAIRIE, TEXAS 75050 (972) 809 5711/FAX: (972) 809 5775
SRO DAVID HOOPER (972) 809 5726 SRO ROY MORIN (972) 809 5773

May 15, 2002

To Whom It May Concern:

I am the School Resource Officer at Grand Prairie High School. Last month an unknown suspect called in several bomb threats into the police departments' dispatch by dialing 911 on a non subscribed cellular phone. We evacuated the school 3 times. The administrators, teachers, students, and the emergency responders were put in harms way by having to evacuate the building. After dispatchers noticed that it was the same suspect we started doing perimeter and building checks throughout the school so that we didn't have to hurt the time students would have to make up. Several hours of a lot of people's time we burnt up by the persons ability to use a cellular phone that did not have a service provider.

LOSS OF TIME:

- Students 1 Hour 30 Min
- Teachers 1 Hour 30 Min
- Administrators 10 Hours
- Police Officers 20 Hours
- Fire Investigators 25 Hours (Approx.)

I applaud that you are trying to get this changed. Hopefully the legislators will use their common sense when looking at making at this matter.

Thank You,

Roy G. Morin #232

Roy G. Morin #232
GPPD SRO/GPHS